federal register

Monday
October 27, 1980

Part VIII

Department of Transportation

Federal Aviation Administration

Metropolitan Washington Airports, Future Operation and Development; Delay in Implementation of Policy and Regulations

DEPARTMENT OF TRANSPORTATION

14 CFR Parts 93 and 159

[Docket No. 19948, Amendments Nos. 93-38 and 159-22]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule, notice of change of effective date.

SUMMARY: On September 18, 1980, DOT/FAA published the Metropolitan Washington Airport Policy (45 FR 62398) and implementing regulations (Amendments 93-37 and 159-20) to guide the future operation and development of Washington National Airport and Dulles International Airport (45 FR 62406). The implementing regulations were to become effective on January 5, 1981. The Department of Transportation and Related Agencies Appropriations Act, 1981, Pub. L. 96-400, however, prohibits the full implementation of the DOT/FAA policy and regulations until April 26, 1981. Therefore, this notice is being issued to announce a delay in the implementation of the entire Metropolitan Washington Airport Policy and to change the effective date of all the implementing regulations until April 26, 1981.

EFFECTIVE DATE: As of October 27, 1980, the effective date of the regulations published at 45 FR 62406 has been delayed until April 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward Faggen (Telephone (703) 557-8123), or Charles C. Erhard (Telephone (703) 557-0972), Metropolitan Washington Airports, Washington National Airport, Hangar 9, Washington, D.C. 20001.

SUPPLEMENTARY INFORMATION: On September 18, 1980, DOT/FAA published the Metropolitan Washington Airport Policy and implementing regulations (Amendments 93-37 and 159-20) to guide the future operation and development of Washington National Airport and Dulles International Airport (45 FR 62398). The implementing regulations were to become effective on January 5, 1981. The Department of Transportation and Related Agencies Appropriations Act, 1981, Pub. L. 96-400, states that none of the funds in the Act shall be used to mandate any reduction of the number of certificated air carrier slots per hour at Washington National Airport below the number authorized on September 12, 1980, until April 26, 1981. Therefore, it is necessary that the effective date of Amendments 93-37 and 159-20 be amended.

By letter dated September 23, 1980, the Secretary of Transportation notified the Chairmen of the Subcommittees on Transportation, Committees on Appropriations of the House of Representatives and United States Senate that:

> It is essential that all elements of the (Metropolitan Washington Airports) Policy be implemented together. We are cutting back the number of certificated air carrier operations at National, allowing for the use of widebody aircraft, and modifying the non-stop service perimeter. We would not undertake to do one of these things without doing the others. Nor would we want to make a substantial investment in National's redevelopment with its future unresolved. In short, the Policy was developed as a package because it is the only way to overcome the continuing controversy over National's future. The environmental impact statement that was prepared under a court order addressed the Policy as a whole, not in fragments. We are, therefore, not prepared to proceed with certain elements of the policy in January while the reduction in flights is deferred.
>
> In summary, the policy for National and Dulles airports must be implemented on time and with all parts of the balanced package in place.

For the reasons discussed above, additional notice and public procedure on this change to the effective date of Amendments 93-37 and 159-20 is unnecessary and good cause exists for making this change effective upon publication in the **Federal Register**. For the same reasons, full compliance with the procedures of Executive Order 12044, as implemented by the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), is not possible.

Accordingly, consistent with the position expressed in the Secretary's letters of September 23, effective (**Federal Register** Publication Date), the effective date of Amendments 93-37 and 159-20, which were published in the **Federal Register** on September 18, 1980 (45 FR 62406), is changed from January 5, 1981, to April 26, 1981.

(Secs. 103, 307(a), (b), and (c), and 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. Sections 1303, 1348(a), (b) and (c) and 1354(a)); Sections 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688, as amended by 61 Stat. 94; Section 4 of the Second Washington Airport Act, 64 Stat. 770; Section 6 of the Department of Transportation Act (49 U.S.C. Section 1655))

Note.—The FAA has determined that this rulemaking is significant under Executive Order 12044, as implemented by the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); the impact of this document is, however, minimal and does not warrant a full regulatory evaluation.

Issued in Washington D.C., on October 21, 1980.

Langhorne Bond,
Administrator.

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